



# Senate

General Assembly

**File No. 527**

*January Session, 2007*

Substitute Senate Bill No. 1271

*Senate, April 18, 2007*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING LAW ENFORCEMENT VESSELS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-131 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The rules prescribed by this [section] subsection for preventing  
4 collisions shall govern the operation of all vessels on state and federal  
5 waters. In construing the provisions of this section, risk of collision  
6 shall be deemed to exist when the compass bearing between  
7 approaching vessels does not appreciably change.

8 (1) When vessels approach each other end on, or nearly so, each  
9 shall pass on the port side of the other, except that, if the courses of  
10 such vessels are so far to the starboard of each other as not to be  
11 considered approaching end on and altering course would create a  
12 hazard, each shall keep out of the way of the other and pass on the  
13 starboard side of the other.

14 (2) When vessels are crossing so as to involve risk of collision, the  
15 vessel which has the other on her starboard side shall keep out of the  
16 way of the other, except that in such a situation a motorboat shall keep  
17 out of the way of a sailboat.

18 (3) When sailboats are crossing so as to involve risk of collision, one  
19 of them shall keep out of the way of the other as follows: (A) A sailboat  
20 running free shall keep out of the way of a sailboat which is  
21 close-hauled. (B) A sailboat which is close-hauled on the port tack shall  
22 keep out of the way of a sailboat which is close-hauled on the  
23 starboard tack. (C) When two sailboats are running free with the wind  
24 on different sides, the sailboat which has the wind on the port side  
25 shall keep out of the way of the other. (D) When two sailboats are  
26 running free with the wind on the same side, the sailboat which is to  
27 the windward shall keep out of the way of the other.

28 (4) Every vessel overtaking another vessel shall keep out of the way  
29 of the overtaken vessel. Any person operating a vessel shall not follow  
30 another vessel more closely than is reasonable and prudent and shall  
31 have regard for prevailing circumstances and conditions so as to not  
32 create a risk of collision.

33 (5) Every vessel which is required by these rules to keep out of the  
34 way of another vessel, on approaching such other vessel, shall slacken  
35 speed, stop, reverse or alter course as necessary and, as circumstances  
36 permit, avoid crossing ahead of or hazarding the other vessel. The  
37 other vessel shall maintain her course and speed.

38 (6) In obeying and construing these rules, regard shall be had to all  
39 dangers of navigation and collision and any special circumstances  
40 which may render a departure from these rules necessary in order to  
41 avoid immediate danger. For the purposes of this [subsection]  
42 subdivision, following too closely to avoid collision with another  
43 vessel shall be considered a violation.

44 (7) The operator of a vessel shall at all times maintain a proper  
45 lookout required by the ordinary practice of seamen and by the special

46 circumstances of the case.

47 (b) In addition to the rules prescribed by subsection (a) of this  
48 section, every vessel operating on state waters, including a sailboat,  
49 shall keep out of the way of a law enforcement vessel using an audible  
50 signal device or flashing blue lights or a fire department vessel using  
51 such audible signal device or flashing lights as may be authorized by  
52 law.

53 ~~[(8)]~~ (c) Violation of any provision of this section shall be an  
54 infraction.

55 Sec. 2. Subsection (c) of section 15-154 of the general statutes is  
56 repealed and the following is substituted in lieu thereof (*Effective*  
57 *October 1, 2007*):

58 (c) No person operating a vessel shall refuse to stop such vessel or,  
59 if sea conditions make stopping in that area unsafe, refuse to take such  
60 vessel to a designated area after being requested or signalled to do so  
61 by such officer in a law enforcement vessel using an audible signal  
62 device or flashing blue lights or from on shore. Any person operating a  
63 vessel who refuses to stop or refuses to take such vessel to the  
64 designated area when signalled to do so by such officer in a law  
65 enforcement vessel using an audible signal device or flashing blue  
66 lights or from on shore shall have committed an infraction. Any  
67 person, when signalled to stop by such officer in a law enforcement  
68 vessel using an audible signal device or flashing blue lights or from on  
69 shore, who operates such vessel in disregard of such signal so as to (1)  
70 interfere with or endanger the operation of the law enforcement vessel  
71 or any other vessel, (2) endanger or cause damage to property or  
72 person, or (3) increase or maintain speed in an attempt to escape or  
73 elude such law enforcement officer shall be guilty of a class A  
74 misdemeanor. If such violation causes the death or serious physical  
75 injury of another person, the vessel operator shall be guilty of a class D  
76 felony, and such operator's safe boating certificate, certificate of  
77 personal watercraft operation or right to operate a vessel that requires  
78 a certificate shall be suspended for one year. For any subsequent

79 offense, such operator shall be guilty of a class D felony, except that if  
80 any prior offense by such operator under this section caused, and such  
81 subsequent offense causes, the death or serious physical injury of  
82 another person, such operator shall be guilty of a class D felony for  
83 which one year of the sentence imposed may not be suspended or  
84 reduced by the court, and such operator's safe boating certificate,  
85 certificate of personal watercraft operation or right to operate a vessel  
86 that requires a certificate shall be suspended for not less than eighteen  
87 months or more than two years. Proof of the registration number of the  
88 vessel shall be prima facie evidence in any prosecution that the owner  
89 was the operator. For the purposes of this subsection, "serious physical  
90 injury" means physical injury which creates a substantial risk of death,  
91 or which causes serious disfigurement, serious impairment of health or  
92 serious loss or impairment of the function of any bodily organ.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	15-131
Sec. 2	<i>October 1, 2007</i>	15-154(c)

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Environmental Protection	SF - None	None	None
Judicial Dept.	GF - None	None	None

Note: SF=Special Fund (Non-appropriated); GF=General Fund

**Municipal Impact:** None**Explanation**

The bill specifies responsibilities for vessel operations in certain instances and is not anticipated to impact costs to the Department of Environmental Protection or municipal law enforcement.

This bill makes minor and clarifying changes that are not anticipated to have a fiscal impact related to fines or other criminal penalties.

**The Out Years**

None

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**OLR Bill Analysis****sSB 1271*****AN ACT CONCERNING LAW ENFORCEMENT VESSELS.*****SUMMARY:**

This bill requires that every vessel operating on state waters, including a sailboat, keep out of the way of a law enforcement vessel using an audible signal device or flashing blue lights or a fire department vessel using such audible signal device or flashing lights as may be authorized by law. A violation is an infraction, which is punishable by a \$75 fine.

Under current law, no one operating a vessel may refuse to stop it or, if sea conditions make stopping in that area unsafe, refuse to take such vessel to a designated area after being requested or signaled to do so by officers authorized to enforce the boating laws. A violation is an infraction, which is punishable by a \$75 fine. The bill specifies that this duty only applies to requests or signals by an officer in a law enforcement vessel using an audible signal device or flashing blue lights or from an officer who is on shore.

By law, any person, when signaled to stop by such officer in a law enforcement vessel using an audible signal device or flashing blue lights who operates such vessel in disregard of such signal so as to (1) interfere with or endanger the operation of the law enforcement vessel or any other vessel, (2) endanger or cause damage to property or person, or (3) increase or maintain speed in an attempt to escape or elude such law enforcement officer is guilty of either a class A misdemeanor or a class D felony, depending on the circumstances. The bill makes it the same offense if the request comes from such an officer who is on shore. (See BACKGROUND for a description of these

criminal penalties.)

EFFECTIVE DATE: October 1, 2007

## **BACKGROUND**

### ***Infractions***

An infraction is a breach of state law, regulation, or municipal ordinance that the legislature designates as such. An appearance in court is not required unless the accused contests the charge. The accused can pay the fine by mail to the Centralized Infractions Bureau. An infraction is neither a crime nor an offense as these terms are defined in the state's criminal code. There is no right to a jury trial for an infraction. The maximum fine for an infraction is \$90. The judges of the Superior Court have established a schedule of fines for infractions and for certain violations (CGS § 52-164n).

### ***Officers Authorized to Enforce Boating Laws***

The law authorizes any harbor master, deputy harbor master, conservation officer, special conservation officer, or state police officer, municipal police officer, special police officer, town marine officer certified for marine police duty, and any lake patrolman to enforce state boating laws (CGS §15-154(a)).

### ***Criminal Penalties for Disregarding Officers' Request***

By law, a violation is a class A misdemeanor, which can result in a sentence of up to one year in prison, or a fine of up to \$2,000, or both. If such violation causes the death or serious physical injury of another person, the vessel operator is guilty of a class D felony, and the operator's safe boating certificate, certificate of personal watercraft operation, or right to operate a vessel that requires a certificate must be suspended for one year. A class D felony can result in a prison term of up to five years in prison, or a fine of up to \$5,000, or both. For any subsequent offense, the operator is guilty of a class D felony, except that if any prior offense by such operator under this section caused, and such subsequent offense causes, the death or serious physical injury of another person, the operator is guilty of a class D felony for

which one year of the sentence imposed may not be suspended or reduced by the court, and the operator's safe boating certificate, certificate of personal watercraft operation, or right to operate a vessel that requires a certificate must be suspended for between 18 months and two years (CGS § 15-154(c)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 1 (03/21/2007)

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 2 (04/02/2007)